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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEVADA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEVADA
LAS VEGAS DIVISION

KIRBY SPENCER

Plaintiff,

vs.

DIVERSIFIED ADJUSTMENT SERVICE, INC.)

400 Corn Rapids Blvd
Corn Rapids, MN 55433
Defendant.

2:12-cv-01317-JCM-PAL

COMPLAINT AND DEMAND FOR

JURY TRIAL

(UNLAWFUL DEBT COLLECTION

PRACTICES)

NATURE OF ACTION

1. This is an action brought under the 47 U.S.C. § 227 Telephone Consumer Protection Act ("TCPA").

JURISDICTION AND VENUE

2. **Jurisdiction.** This court's jurisdiction arises under 15 U.S.C. § 1692k(d).
3. **Venue.** Venue is appropriate in this court because the plaintiff resides in this district.

PARTIES

4. **Plaintiff.** KIRBY SPENCER is a person located in the Las Vegas area.

5. **Defendants.** DIVERSIFIED ADJUSTMENT SERVICE, INC. ("Defendant") is an entity that, according to its website, is a debt collector. Defendant is a company with its headquarters in Coon Rapids, MN.

FACTUAL ALLEGATIONS

6. Defendant made 43 unlawful phone calls originated from an automated dialer to the Plaintiff's cellular phone during a time span of six months. The violations occurred in 2011 and 2012 during the months of December, January, February, March, April, and May.

COUNT I

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

7. Defendant violated Telephone Collection Practices Act ("TCPA") 47 U.S.C. § 227(b)(1)(B).

WHEREFORE, Plaintiff, respectfully requests judgment be entered against Defendant, for the following:

- a) Awarding Plaintiff statutory damages of \$63,500.00 pursuant to Telephone Consumer Protection Act ("TCPA") 47 U.S.C. § 227(b)(3).
- b) Awarding Plaintiff any other relief that this Honorable Court deems appropriate.

Respectfully submitted this 26th day July, 2012

By: Kirby Spencer
Kirby Spencer

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3 **DEMAND FOR JURY TRIAL**

4 PLEASE TAKE NOTICE that Plaintiff, KIRBY SPENCER, demands a jury trial in this
5 case.

6 COMPLAINT AND DEMAND FOR JURY TRIAL
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15 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

16 STATE OF NEVADA)
17 COUNTY OF CLARK)
18

19 Plaintiff, Kirby Spencer, states as follows:

- 20
21 1. I am the Plaintiff in this civil proceeding.
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23 2. This civil Complaint is well grounded in fact and warranted by existing law or by
24 a good faith argument for the extension, modification or reversal of existing law.
25
26 3. This civil Complaint is not interposed for any improper purpose, such as to harass
27 any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
28 needless increase in the cost of litigation to any Defendant(s), named in the
Complaint.

- 1
- 2 4. I have filed this Complaint in good faith and solely for the purposes set forth in it.
- 3
- 4 5. Each and every exhibit I have provided or attached to this Complaint is a true and
- 5 correct copy of the original.
- 6
- 7 6. Except for clearly indicated redactions made where appropriate, I have not
- 8 altered, changed, modified or fabricated these exhibits, except that some have my
- 9 my own handwritten notations.

10 Pursuant to 28 U.S.C. § 1746(2), I, Kirby Spencer, hereby declare under penalty of perjury that the
11 foregoing is true, correct and materially complete.

12 By: Kirby Spencer
13 Kirby Spencer

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15 DATE: 7-26-12
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